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9

10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 STEPHANIE THOMAS, an individual,

13 Plaintiff,  
14

15 vs.

16 STANDARD INSURANCE COMPANY,  
an Oregon corporation; WESTERN  
17 INSURANCE SPECIALTIES, INC., a  
Nevada corporation; TIAA-CREF  
18 INDIVIDUAL AND INSTITUTIONAL  
SERVICES, LLC, a Delaware limited  
19 liability company; VALIC  
20 RETIREMEMNT SERVICES  
COMPANY, a Texas corporation, and  
21 DOES I-X, and ROE CORPORATIONS I-  
22 X, inclusive,  
23

24 Defendants.  
25  
26  
27  
28

Case No. 2:07-CV-491-GMN-GWF

**JOINT MOTION RE: 120-DAY TIME  
PERIOD TO LOCATE/SERVE  
SAMANTHA M. THOMAS**

1 STANDARD INSURANCE COMPANY,  
 2 an Oregon corporation,  
 3  
 4 Counterclaimant,  
 5  
 6 vs.  
 7 STEPHANIE THOMAS and SAMANTHA  
 8 MARY THOMAS,  
 9  
 10 Counterdefendants.

11 Defendant Standard Insurance Company submits this motion pursuant to the Status  
 12 Report filed October 25, 2010 (Dkt. 39) and the Court's October 27, 2010 Order (Dkt. 40).

13 Standard Insurance Company deposited proceeds of two life insurance policies,  
 14 totaling \$263,089.88, with this Court on August 7, 2008. Plaintiff Stephanie Thomas, who  
 15 is the primary beneficiary under the policies, pled guilty to Second Degree Murder of the  
 16 insured decedent, Lawrence Thomas, on August 27, 2010.

17 Per a conversation on October 25, 2010, between counsel for Standard and counsel  
 18 for Stephanie Thomas, Stephanie Thomas now acknowledges that applicable law precludes  
 19 payment of the death benefits to her. Stephanie Thomas further has indicated that she will  
 20 disclaim her rights as primary beneficiary under the policies in favor of Samantha M.  
 21 Thomas, who is the contingent beneficiary designated in the policy documents. She is the  
 22 daughter of Stephanie Thomas and the deceased.

23 Samantha M. Thomas has not yet been served in this action. At the outset of the  
 24 interpleader litigation, Standard filed a motion for appointment of a guardian ad litem, as  
 25 Samantha M. Thomas was a minor at that time. Decision on that motion was stayed, as  
 26 was the entire case, pending resolution of the criminal case against Stephanie Thomas.  
 27 Upon information and belief, Samantha M. Thomas has now reached the age of majority.

28 To resolve the interpleader action and to assist the Court in disbursing the interpled  
 funds to the contingent beneficiary, Samantha M. Thomas must be served with process and

1 appear. Accordingly, to bring Samantha M. Thomas before the Court, Standard requests  
2 120 days in which to locate and serve Samantha M. Thomas.

3 RESPECTFULLY SUBMITTED this 27<sup>th</sup> day of October, 2010.

4 ROGER P. CROTEAU & ASSOCIATES,  
5 LTD.

LEWIS AND ROCA LLP

6 BY: /s/ Roger P. Croteau

BY: /s/ Ann-Martha Andrews

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14 Attorneys for Stephanie Thomas

Attorneys for Defendant and  
Counterclaimant Standard Insurance  
Company

15 **IT IS SO ORDERED:**

16   
17 GEORGE FOLEY, JR.

18 United States Magistrate Judge

19 DATED: October 28, 2010